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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

REC'D 17 OCT 2005

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 93109-PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US04/11054	International filing date (day/month/year) 08 April 2004 (08.04.2004)	Priority date (day/month/year) 08 April 2003 (08.04.2003)	
International Patent Classification (IPC) or national classification and IPC IPC(7): B24B 7/00 and US Cl.: 451/168			
Applicant TIMESAVERS, INC.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u> </u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) <u> </u>, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 13 May 2005 (13.05.2005)	Date of completion of this report 12 September 2005 (12.09.2005)		
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	<p>Authorized officer Robert Rose <i>Sharon R. Greene for</i></p> <p>Telephone No. (703) 308-1078</p>		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. I Basis of the report

1. With regard to the language, this report is based on:
 - the international application in the language in which it was filed.
 - a translation of the international application into English, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4(a))
 - international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - the international application as originally filed/furnished
 - the description:

pages 1-7 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
 - the claims:

pages 8-12 as originally filed/furnished
 pages* NONE as amended (together with any statement) under Article 19
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
 - the drawings:

pages 1-8 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
 - a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to the sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."
 Form PCT/IPEA/409 (Box No. I) (April 2005)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims Please See Continuation Sheet YES
 Claims Please See Continuation Sheet NO

Inventive Step (IS)

Claims Please See Continuation Sheet YES
 Claims Please See Continuation Sheet NO

Industrial Applicability (IA)

Claims Please See Continuation Sheet YES
 Claims Please See Continuation Sheet NO

2. Citations and Explanations (Rule 70.7)

Claims 1-2, 4, 6-7, 12-13, 15-16, 21, 24-28, 33, and 35-36 lack novelty under PCT Article 33(2) as being anticipated by Smith(US 2492372). Smith discloses a system for rapid replacement of an abrasive material having two opposed edges, in a surface finishing machine having a non-removable platen. The abrasive material is in the form of a sheet of sandpaper(51) secured within rails(49) by the mounts(47). A slot within the mounts accomodates the edges of the sandpaper to tension the sandpaper when the rails are closed over the mounts.

Claims 5, 11, 22, and 32 lack an inventive step under PCT Article 33(3) as being obvious over Smith. To utilize only a single movable rail to tension the sandpaper while simplifying the device would amount to no more than an obvious matter of design choice to those of ordinary skill in the art. Further, to make the mounts removable from the device for servicing, would have been an obvious matter of design choice. To manufacture the mounts of aluminum for strength would have amounted to no more than an obvious selection of a well-known material based upon it's suitability for the intended use.

Claims 3, 8-10, 14, 17-20, 23, 29-31, 34, 37-40 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest longitudinal movement of the rails to tighten the abrasive sheet, nor does the prior art suggest more than one grit size of abrasive on the abrasive sheet.

Claims 1-40 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V.1. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims 3, 5, 8-11, 14, 17-20, 22-23, 29-32, 34
The opinion as to Novelty was negative (No) with respect to claims 1-2, 4, 6-7, 12-13, 15-16, 21, 24-28, 33, 35-36
The opinion as to Inventive Step was positive (Yes) with respect to claims 3, 8-10, 14, 17-20, 23, 29-31, 34, 37-40
The opinion as to Inventive Step was negative (NO) with respect to claims 1-2, 4-7, 11-13, 15-16, 21-22, 24-28, 32-33, 35-36
The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-40
The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE